



The Journal OF THE *House of Representatives*

Number 27

Monday, April 15, 2013

Messages from the Senate

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 56, as amended, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Children, Families, and Elder Affairs; and Senator Hays—

CS for SB 56—A bill to be entitled An act relating to infant death; amending s. 383.311, F.S.; revising the education and orientation requirements for birth centers and their families to incorporate safe sleep practices and causes of Sudden Unexpected Infant Death; amending s. 383.318, F.S.; revising the postpartum care for birth center clients and infants to incorporate instruction on safe sleep practices and causes of Sudden Unexpected Infant Death; amending s. 383.3362, F.S.; revising legislative findings and intent with respect to the sudden unexpected death of an infant under a specified age; defining the term “Sudden Unexpected Infant Death”; revising provisions relating to training requirements for first responders; revising requirements relating to autopsies performed by medical examiners; requiring the Medical Examiners Commission to provide for the development and implementation of a protocol for the forensic investigation of Sudden Unexpected Infant Death; creating s. 395.1053, F.S.; requiring a hospital that provides birthing services to incorporate information on safe sleep practices and the possible causes of Sudden Unexpected Infant Death into the hospital’s postpartum instruction on the care of newborns; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 92, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Judiciary; and Criminal Justice; and Senators Negron, Brandes, Evers, Bradley, and Benacquisto—

CS for CS for SB 92—A bill to be entitled An act relating to searches and seizures; creating the “Freedom from Unwarranted Surveillance Act”; defining the terms “drone” and “law enforcement agency”; prohibiting a law enforcement agency from using a drone to gather evidence or other information; providing exceptions; authorizing an aggrieved party to initiate a civil action in order to prevent or remedy a violation of the act; prohibiting a

law enforcement agency from using in any court of law in this state evidence obtained or collected in violation of the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 286, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Judiciary; and Senators Negron and Sobel—

CS for SB 286—A bill to be entitled An act relating to design professionals; amending s. 558.002, F.S.; redefining the term “design professional”; creating s. 558.0035, F.S.; specifying conditions under which a design professional employed by a business entity or an agent of the business entity may not be held individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract; defining the term “business entity”; amending ss. 471.023, 472.021, 481.219, 481.319, and 492.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 294, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Appropriations; and Senator Bradley—

CS for SB 294—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding to the list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; amending s. 893.0355, F.S.; revising provisions relating to rulemaking; reenacting and amending s. 893.13, F.S.; providing reduced penalties for possession of 3 grams or less of specified controlled substances; reenacting to incorporate the amendments made to s. 893.03, F.S., in references thereto; amending s. 893.135, F.S.; providing criminal penalties for a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of

specified controlled substances; reenacting s. 921.0022(3)(b)-(e), F.S., relating to prohibited acts involving controlled substances and the Criminal Punishment Code, respectively, to incorporate the amendments made to s. 893.03, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 328, as amended, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Appropriations; and Regulated Industries; and Senators Latvala and Sobel—

CS for CS for SB 328—A bill to be entitled An act relating to public accountancy; amending s. 473.3065, F.S.; revising provisions for the distribution of scholarships under the Certified Public Accountant Education Minority Assistance Program; revising the annual maximum expenditures and frequency of distribution of moneys for the scholarships; amending s. 473.311, F.S.; clarifying provisions; creating s. 473.3125, F.S.; providing definitions; requiring the Board of Accountancy to adopt rules for peer review programs; authorizing the board to establish a peer review oversight committee; requiring certain licensees to be enrolled in a peer review program by a certain date; amending s. 473.313, F.S.; revising license delinquency dates; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 444, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Community Affairs; and Senators Diaz de la Portilla and Sobel—

CS for SB 444—A bill to be entitled An act relating to domestic wastewater discharged through ocean outfalls; amending s. 403.086, F.S.; revising the measurement standard for the wastewater flow; revising the requirements for installation of a functioning reuse system by a utility that had a permit for a domestic wastewater facility on a specified date to discharge through ocean outfall; revising the definition of the term “functioning reuse system”; changing the term “facility’s actual flow on an annual basis” to “baseline flow”; revising plan requirements for the elimination of ocean outfalls; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; requiring that the Department of Environmental Protection approve certain apportionment of reuse if a facility contracts with another facility to install a functioning reuse system; requiring a facility that contracts with another facility to provide a copy of the contract to the department; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring a holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall to submit certain information; deleting an obsolete provision; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements; requiring the department to submit a report to the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Will Weatherford, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 718, as amended, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committees on Rules; and Judiciary; and Senators Stargel, Grimsley, Richter, Thrasher, Soto, and Altman—

CS for CS for SB 718—A bill to be entitled An act relating to family law; amending s. 61.071, F.S.; requiring that alimony pendente lite be calculated in accordance with s. 61.08, F.S.; amending s. 61.075, F.S.; redefining the term “marital assets and liabilities” for purposes of equitable distribution in dissolution of marriage actions; providing that the term includes the paydown of principal of notes and mortgages secured by nonmarital real property and certain passive appreciation in such property under certain circumstances; providing formulas and guidelines for determining the amount of such passive appreciation; requiring security and interest relating to the installment payment of such assets; providing exceptions; permitting the court to provide written findings regarding any installment payments; amending s. 61.08, F.S.; defining terms; providing for the priority of bridge-the-gap alimony, followed by rehabilitative alimony, over any other form; requiring a court to make written findings regarding the basis for awarding a combination of forms of alimony, including the type of alimony and length of time for which it is awarded; providing that the party seeking alimony has the burden of proof of demonstrating a need for alimony and that the other party has the ability to pay alimony; requiring the court to consider specified relevant factors when determining the proper type and amount of alimony; revising provisions relating to the protection of awards of alimony; revising provisions for an award of durational alimony; specifying criteria related to the rebuttable presumption to award or not to award alimony; specifying criteria for awarding rehabilitative alimony; deleting a provision authorizing permanent alimony; providing for retirement of a party against whom alimony is sought; providing for imputation of income to the obligor or obligee in certain circumstances; amending s. 61.09, F.S.; providing for the calculation of alimony; amending s. 61.13, F.S.; establishing a presumption that it is in the best interest of the child for the court to order equal time-sharing for each minor child; providing exceptions; providing prospective applicability of the presumption; amending s. 61.14, F.S.; authorizing a party to apply for an order to terminate the amount of support, maintenance, or alimony; requiring that an alimony order be modified upward upon a showing by clear and convincing evidence of an increased ability to pay alimony by the other party; prohibiting an increase in an obligor’s income from being considered permanent in nature until it has been maintained for a specified period without interruption; providing an exemption from the reduction or termination of an alimony award in certain circumstances; providing that there is a rebuttable presumption that any modification or termination of an alimony award is retroactive to the date of the filing of the petition; providing for an award of attorney fees and costs if it is determined that an obligee unnecessarily or unreasonably litigates a petition for modification or termination of an alimony award; prohibiting an alimony award from being modified providing that if the court orders alimony concurrent with a child support order, the alimony award may not be modified because of the later modification or termination of child support payments; providing that an obligor’s subsequent remarriage or cohabitation is not a basis for modification of alimony; providing that income and assets of obligor’s subsequent spouse or person with whom the obligor is residing are generally not relevant to modification; providing that the attaining of retirement age is a substantial change in circumstances; requiring the court to consider certain factors in determining whether the obligor’s retirement is reasonable; requiring a court to terminate or reduce an alimony award based on certain factors; amending s.

61.19, F.S.; authorizing separate adjudication of issues in a dissolution of marriage case in certain circumstances; providing for temporary orders necessary to protect the parties and their children; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules as a factor in the adjustment of awards of child support; providing for retroactive application of the act to alimony awards entered before July 1, 2013; providing an exception; providing allowable dates for the modification of such awards; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Introduction and Reference

By Representative **J. Rodríguez**—

HR 9093—A resolution designating April 3, 2013, as "Legal Aid Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9095—A resolution designating March 10-16, 2013, as "Nurse Practitioner Awareness Week" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **J. Diaz**—

HR 9097—A resolution congratulating the Miami Heat Basketball Team for winning the second National Basketball Association Championship in state history.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **McKeel**—

HR 9099—A resolution honoring Mark C. Hollis, Sr.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Porter**—

HR 9101—A resolution recognizing the 100th anniversary of Advent Christian Village.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9103—A resolution honoring the 100 years of contributions by The Salvation Army to the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **J. Rodríguez**—

HR 9105—A resolution designating February 2014 as "Periodontal Disease Awareness Month" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Fasano**—

HR 9107—A resolution recognizing the 40th anniversary of Pasco-Hernando Community College.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Fitzenhagen**—

HR 9109—A resolution commending the Florida Gulf Coast University Men's Basketball Team.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **McBurney**—

HR 9111—A resolution honoring and congratulating the state's Olympic athletes and coaches who participated in the Games of the XXX Olympiad.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Campbell**—

HR 9113—A resolution commending the Boy Scouts of America for its distinguished service to Florida and the nation.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Schwartz**—

HR 9115—A resolution recognizing April 16, 2013, as "Healthcare Decisions Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Santiago**—

HR 9117—A resolution designating April 18, 2013, as "Puerto Rico Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Saunders**—

HR 9119—A resolution recognizing the 50th anniversary of the University of Central Florida and designating June 10, 2013, as "UCF Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Harrell**—

HR 9121—A resolution designating September 23, 2013, as "Restless Legs Syndrome — Willis-Ekbom Disease Awareness Day" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Schwartz**—

HR 9123—A resolution encouraging participation in National Memory Screening Day.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Fasano**—

HR 9125—A resolution designating the week of September 23-27, 2013, as "Florida Behavior Analysis Week" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Porter**—

HR 9127—A resolution recognizing April 2013 as "Springs Protection Awareness Month" in the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

Enrolling Reports

CS/CS/HB 239 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 15, 2013.

Robert L. "Bob" Ward, Clerk

Cosponsors

CS/CS/HB 5—Boyd

CS/CS/HB 159—Pilon

HB 209—O'Toole

CS/HB 301—Raulerson

CS/CS/HB 487—Metz

CS/HB 775—Hood

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

April 15, 2013

NUMERIC INDEX

CS/CS/HB 5	618	HR 9099	617
CS for SB 56	615	HR 9101	617
CS for CS for SB 92	615	HR 9103	617
CS/CS/HB 159	618	HR 9105	617
HB 209	618	HR 9107	617
CS for SB 286	615	HR 9109	617
CS for SB 294	615	HR 9111	617
CS/HB 301	618	HR 9113	617
CS for CS for SB 328	616	HR 9115	617
CS for SB 444	616	HR 9117	617
CS/CS/HB 487	618	HR 9119	617
CS for CS for SB 718	616	HR 9121	617
CS/HB 775	618	HR 9123	617
HR 9093	617	HR 9125	618
HR 9095	617	HR 9127	618
HR 9097	617		

SUBJECT INDEX

Cosponsors	618	Messages from the Senate	615
Introduction and Reference	617		